



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,696	09/19/2005	Junji Takenaka	1691-0209PUS1	9538
2292 7590 03/10/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
FREEMAN, JOHN D				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
03/10/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Art Unit: 1794

**ATTACHMENT TO ADVISORY ACTION**

Applicant submits that, as Momoda is silent with regard to tensile strength, the reference "cannot possibly teach or suggest controlling the ratio of monomers" in order to obtain the presently claimed tensile strength (p4).

As noted in previous actions, the amount of monomers disclosed by Momoda '038 significantly overlaps the presently claimed amounts. For example, Momoda's amounts nearly completely fall within the bounds of claim 4 as shown by Table II.

		Table II					
		Applicant					
	'038	Claim 1	Claim 4	Claim 6	Claim 7	Claim 9	Claim 10
(A)/(III)	1-50%	5-89%	0-89%	5-89%	30-77	0-89%	0-70%
(B)/(I)	1-50	1-15	1-60	1-15	3-10	1-60	10-60
(C)/(II)	25-97	10-80	10-90	10-80	20-60	10-90	20-90

Furthermore, exemplary monomers disclosed by Momoda '038 include the exact same exemplary monomers disclosed by Applicant for all three monomers. One of ordinary skill would recognize the necessity of creating a lens that can withstand a baseline amount of abuse. Thus, one could reasonably experiment with the conditions of the invention to arrive at a tensile strength greater than 20kgf.

Applicant submits "there is no correlation between tensile strength and the overall HL hardness of the lens as shown by the data presented (p4).

Regarding the data, the examiner again notes only examples 10, 11, 15, 24, 25, 34, and 35 disclose the required three monomers of the present claims. The other examples use monomers not relied upon for the rejection. Furthermore, the examiner notes his position is that one could reasonably experiment with the conditions of the invention to arrive at a tensile strength greater than 20kgf.

The present specification does not appear to provide any specific guidance on how to vary the three monomers within the presently claimed ranges to arrive at the presently claimed tensile strength, other than the specific examples. That is, other than the disclosed weight ranges, and highly specific values within those ranges, Applicant appears to rely on the experimental nature of the art to enable the disclosure of the present invention. Momoda '038 discloses the same materials used in the same amounts as claimed. The examiner submits that one of ordinary skill, wishing to improve the ability of a lens to withstand abuse or stress, would reasonably experiment with the conditions of Momoda '038 to arrive at a tensile strength greater than 20 kgf.

Applicant notes impact strength differs from tensile strength. Applicant also notes Momoda does not describe or suggest rimless spectacles (p5).

The examiner noted impact strength as one of numerous properties that one of ordinary skill would have in mind when varying the monomers used in Momoda '038. The examiner notes Applicant's claim do not require rimless spectacles. Furthermore, the examiner notes rimless spectacles were known at the time of the invention.

/John Freeman/  
Examiner, Art Unit 1794

/Callie E. Shosho/  
Supervisory Patent Examiner, Art Unit 1794